

SN: 10/772,596
Art Unit: 3764
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Remarks

Applicant respectfully requests reconsideration of the application and allowance of the pending claims. All of the claims that were in the application as filed have been canceled by this amendment. New claims 6-10 have been added to the application. Applicant has made a good faith effort to follow the rules related to claim language and format to provide claims that comply with 35 U.S.C. 112, second paragraph and other formal requirements.

The objection to the drawings no longer apply because none of the pending claims recite that the handle is hollow or that the handle is formed to receive steel tubes or weights.

The specification has been amended to correct errors noted in the Office Action and other errors discovered by applicant while preparing this response.

Applicant respectfully submits that the new claims are patentably distinct from the cited references. The primary reference (Polk) discloses an exercise club that resembles a bowling pin having a stepped cylindrical cavity extending from an opening at the bottom end a distance of about 40% of the length of the club. Cylindrical weights having lengths corresponding to the diameters and lengths of the cylindrical steps may be inserted in the cavity to vary the weight of the club.

The invention as recited in claim 6 has a handle and a main body extending from the handle. The main body is formed as a thin shell that encloses a cavity. A plurality of ribs (or vanes) extends from portions of the sidewall into the cavity. The ribs provide strength to the shell and define a receptacle for elongate weights that may be inserted into the cavity. The ribs of Winkler et al. are not seen to extend into a cavity to provide a receptacle for a weight as claimed. Therefore, claim 6 should not be seen as being obvious in view of the prior art.

The remaining claims depend directly or indirectly from claim 6 so that remarks regarding claim 6 apply also to claims 7-9. Applicant also submits the following additional remarks regarding the dependent claims.

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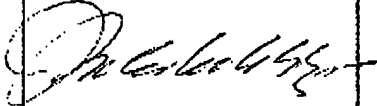
Claim 7 recites a second plurality of ribs extending into the cavity from the cavity bottom. This feature is neither disclosed nor suggested by the references.

Claim 8 recites that the main body includes a generally frustoconical section connected to the handle and a generally cylindrical section extending from the larger end of the frustoconical section. These features are also not shown or suggested in the references.

The references also fail to disclose or suggest the end cap having a recess therein as set forth in claim 9.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. Therefore, applicants respectfully request a notice of allowance for the pending claims.

Respectfully submitted,

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